

**REMARKS**

Prior to entry of this Amendment, claims 1, 3-10, 12-28, 34-41, 43 and 44 are pending. By the Amendment herewith, Applicant clarifies claims 1, 16, 21, 34, 43 and 44 to improve upon the wording. In particular, the term “identified” is deleted from lines 4 and 8 of claim 1 for consistency. Claim 16 is amended to recite “specifying execution of the ~~an~~ unidentified executable...” Claim 21 is amended to recite: “from the metadata of first data, the ~~a~~ content type...” Claim 34 is amended to recite: “specifying execution of an unidentified executable on the first data...” Claims 43 and 44 are amended, respectively, to recite: “from the metadata of first data, the ~~a~~ content type...” and “from the metadata, the ~~a~~ content type...” Claim 43 also is amended to correct a spelling error.

No new matter is introduced into the application as a result of the foregoing amendments. It is further noted that these clarifications are not made for reasons related to patentability and the full range of equivalents should remain in tact.

Accordingly, upon entry of this Amendment, claims 1, 3-10, 12-28, 34-41, 43 and 44 remain pending. Of those claims, claims 1, 17-19, 22, 24, 34-37, 40-41 and 43-44 are independent.

In the outstanding Office Action, claim 43 is objected to because of a spelling error. Claims 16, 21, 34 and 43-44 are rejected under 35 USC Section 112, second paragraph, as being indefinite.

Applicant respectfully traverses the foregoing rejections. However, in view of the afore-referenced clarifications of claims 1, 16, 21, 34, 43 and 44, reconsideration and withdrawal of the objection and rejections is believed to be warranted.

Claims 1-21, 34, 41 and 43-44 are rejected under 35 USC Section 103(a) as being unpatentable over Rao et al. (US Patent No. 6,978,453, hereinafter referred to as “Rao”) in view of newly cited “SynchML Meta-Information DTD (hereinafter referred to as “SynchML”) and Szeto (US Patent No. 7,188,143, hereinafter referred to as “Szeto”). Lastly,

claims 22-28 and 35-40 are rejected under 35 USC Section 103(a) as being unpatentable over Rao in view of Szeto.

The foregoing obviousness rejections are respectfully disagreed with, and are traversed below.

By way of background, embodiments of the invention relate to configuring an electronic device using, e.g., SyncML DM. Embodiments may use a command that specifies that (an unidentified) executable should occur on (identified) first data, e.g. “do something on that.” Embodiments may also use SyncML to create a hierarchical nodular data structure which may specify the format and type of the data. The identification of the executable to act on the identified data may be based on the format and/or type of identified data determined from metadata of the identified data.

Applicant’s independent claim 1 recites:

1. A method comprising:
  - receiving at an electronic device a command specifying execution of an unidentified executable on first data;
  - automatically determining, from metadata of the first data, a content type of the first data;
  - automatically identifying an executable using the content type determined from the metadata; and
  - operating on the first data using the identified executable.

Applicant agrees with the Examiner that Rao does not disclose: “a command specifying execution of an unidentified executable on first data” (hereinafter referred to as feature “A”); “determining, from metadata of the first data, a content type of the identified first data” (hereinafter referred to as feature “B”); or “automatically identifying an executable using the content type determined from the metadata” (hereinafter referred to as feature “C”).

However, the Examiner appears to believe that the above features are obvious when

considering Rao in view of SyncML and Szeto. Applicant respectfully disagrees.

Rao discloses a system for employing SyncML DM for updating firmware in mobile handsets and other devices (abstract). Rao refers to SyncML “enhancement commands, such as, for example, GetFirmwareUpdate, VerifyFirmwareUpdate, SaveFirmwareUpdate, ApplyFirmwareUpdate [and] ConfirmFirmwareUpdate” (column 8, lines 16 to 23). Rao indicates, at column 8, lines 25 to 28, that “the SyncML DM protocol allows the enhancement commands to be executed on nodes of [a] management tree in [a] mobile device 107.” According to Rao, a “SyncML management server may employ the exec command to invoke the enhancement commands associated with the firmware updates in the mobile handset. The exec command may launch a process that initiates the firmware update download in accordance with the parameters provided in the exec command” (column 8, lines 35 to 42).

Applicant clarifies the previous arguments that Rao discloses the use of “conventional” commands by explaining that the enhancement commands of Rao are applied in a conventional way. The enhancement commands operate in a conventional way by specifying a particular executable rather than specifying execution of an unidentified executable. Thus, Rao teaches away from embodiments of the invention by specifying an executable (in a conventional manner). In embodiments of the invention, the command effectively commands ‘do something on this identified data’ but does not specify what should be done. In contrast in Rao, the enhancement command specifies a particular command such as GetFirmwareUpdate.

The SyncML reference is a Document Type Definition document that defines a set of mark-up that is used by the SyncML DTD to identify meta-information associated with a SyncML command or data item or collection (introduction). The document gives examples of how the element type can be used within SyncML DTD to specify the media type of the content information in the data element. This reference does not disclose or suggest Applicant’s features A and C or any combination of features A, B and C. Furthermore, there is no teaching, suggestion or motivation from this document to “specify execution of an

unidentified executable on first data” or to automatically “identify an executable using the content type determined from the metadata.” There is no motivation to combine this document with Rao. It is respectfully asserted that the teaching, suggestion and motivation (TSM) test, while not solely determinative, provides helpful insight into the nonobviousness of the claimed invention. Moreover, it is respectfully asserted that there is no reason to combine and modify these references in an attempt to arrive at the claimed invention.

Regarding the Szeto reference, Szeto relates to techniques for controlling an application in an instant messaging environment (abstract). Szeto indicates that an “instant messaging environment is a shared environment which exists between 2 or more instant messaging users” (column 4, lines 61 to 63). The “current environment affects how user interface commands sent from instant messaging client 212 to conversation user interface 216 are processed” (column 6, lines 28 to 30). Examples of different types of environment are provided in Figs 9A, 9B and 9C. Fig. 9A illustrates a “cartoon messaging environment,” Fig. 9B illustrates a “snow theme environment” and Fig. 9C illustrates a “stock ticker environment.”

A section of Szeto that the Examiner appears to consider particularly relevant is column 12, line 66 to column 13, line 16. This section of Szeto discloses:

“In step 1202, IM client 202 (FIG. 2 or 10) evaluates an IM message. From the IM message, the IM client 202 determines the application type (i.e., movie trailer, game, animated cartoon, advertisement, Flash presentation, etc.) in step 1204. Using an identifier, the IM application is retrieved in step 1206. In step 1208, a decision is made as to whether a supporting application is required such as a media player (Real Player, Windows Media Player), content viewer (Adobe Illustrator, Reader, etc.), or other media-based display application. If required, the supporting application is launched in step 1210.”

The Examiner seems to equate the supporting application with Applicant’s claimed unidentified executable. However, Applicant respectfully asserts that this is not true.

Szeto discloses at column 3, lines 11 to 19:

“In one embodiment, a method is disclosed for selecting, at a first client, the application in the instant messaging environment, configuring an instant messaging control message for the application, including an identifier related to the application selected at the first client, sending the instant messaging control message to a second client, and executing the application in the instant messaging environment using the control message to retrieve the application from a server, unless the application has been previously called by the user.”

It is clear in Szeto, that the control message specifies an IM application to be retrieved using an identifier. Szeto adds that a decision is made as to whether a supporting application is required (column 13, lines 2 to 16). However, it is the identifier that is used to determine whether a supporting application is required (abstract). Therefore, in Szeto, the control message specifies the IM application and the supporting application. Furthermore, the control message is distinct from a user message comprising data (claim 2) and there is no disclosure that the control message specifies data.

In summary, the control message in Szeto specifies one (or more) particular applications and this reference does not identify data nor does it specify execution of an unidentified executable on identified data.

It is further respectfully noted that Applicant also agrees with the Examiner that Szeto does not disclose “determining, from metadata of the first data, a content type of the identified first data” but disagree that this is obvious in view of the newly cited SyncML reference. Szeto clearly has no relation to SyncML and there is no disclosure of using metadata to determine content type of data. There is no motivation to combine these two documents to arrive at the subject claims. Nor is there any reason to combine and modify these references.

It is respectfully asserted that neither Szeto nor Rao disclose features A, B or C. SyncML

discloses only the possibility of using metadata to determine a content type and this reference does not disclose any combination of A, B and C, nor individually A or C. Furthermore, even if proper motivation existed to combine these documents (which Applicant respectfully asserts is not the case), all the features of the claimed invention would still not be disclosed or suggested for the above reasons, as Applicant respectfully maintains that as Rao, SyncML and Szeto teach away from the claimed invention.

In view of the foregoing, it is respectfully asserted that Applicant's independent claim 1 is new and non-obvious. Applicant's other independent claims, claims 17-19, 24, 34-37, 40-41 and 43-44, are considered to be new and non-obvious for similar reasons. The remaining claims, dependent claims 2, 3-10, 12-16, 20-23, 25-28 and 38-39, also are believed to be patentable at least in view of their dependency from an allowable independent claim.

All issues having been addressed, the subject application is believed to be in condition for allowance. No new issues requiring a further search are raised. Thus, the Examiner is respectfully requested to enter and consider the amendments and remarks set forth herein. Accordingly, reconsideration and withdrawal of the objection and rejections set forth in the outstanding Office Action is believed to be warranted. Favorable consideration that results in a Notice of Allowance is therefore earnestly solicited.

Respectfully submitted:

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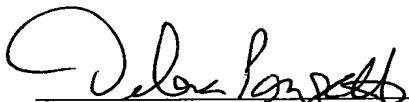
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